

As per **claim 18**, which depends on claim 13, Maccabee further teaches wherein the second agent is configured to monitor server resource utilization of a database server (see Fig.1B).

As per **claim 19**, which depends on claim 13, Maccabee teaches of further comprising an analysis component that automatically detects correlations between response times and server resource utilization parameters, wherein the analysis component analyzes sequence of values of said response time to automatically detect degradations in the performance of the transactional server (see col.3, lines 54-67).

As per **claim 21**, which depends on claim 20, Maccabee further teaches wherein the performance data includes time stamps for associating the performance data and the server resource utilization data (see col.4, lines 61-63: "event contains a time-stamp").

As per **claim 22**, which depends on claim 20, Maccabee further teaches wherein the server resource utilization data includes central process unit (CPU) utilization data associated with the transactional server (see col.1, lines 21-22: "CPU utilization").

As per **claim 26**, which depends on claim 25, Maccabee further teaches wherein (c) comprises automatically analyzing response time data and server resource utilization data resulting from (a) and (b), respectively (see col.5, lines 8-17: "analyzing events" and "further analysis of the correlation data").

As per **claim 27**, Maccabee teaches of further comprising displaying for a selected time window, a graph of the response time and a graph of at least one of the server resource utilization parameters (see Fig.14 and col.9, lines 2-10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Maccabee in view of Martija so that the network device is a bridge. One would be motivated to do so because Maccabee teaches of assessing "availability and performance" at "different measurement points within the path taken" (see col.3, lines 39-45) and one of ordinary skill in the art include bridges, routers, switches, or the like to be employed within a path of data communication.

As per **claim 14**, which depends on claim 13, Maccabee does not explicitly teach wherein the first agent is configured to monitor network hop delays.

Martija teaches of monitoring network hop delays (see col.5, lines 48-51)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Maccabee in view of Martija to monitor network hop delays. One would be motivated to do so because Maccabee teaches of enabling customers to view which components are introducing delays and faults that adversely affect the transaction (see col.3, lines 65-67).

5. Claim 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maccabee et al. (US 6,108,700 A) in view of Claiborne (US 6,462,833 B1)

As per claim 23, Maccabee does not explicitly teach wherein the server resource utilization data includes memory allocation data.

Claiborne teach of resource utilization data includes memory allocation data (see col.7, lines 15-32: "size (i.e., number of addresses) of the portion of memory that has been allocated for such storage").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Maccabee in view of Claiborne so that server resource utilization data includes memory allocation data. One would be motivated to do so because Maccabee teaches that the sensor generates "any extra data necessary to uniquely identify the event" (see col.7, lines 54-57).

As per claim 24, which depends on claim 20, Maccabee does not explicitly teach of server resource utilization data includes at least one of the following: hits per second data, requests queued data, current connections data, connection attempts data, or disk utilization data.

Claiborne teach of server resource utilization data includes at least one of the following: hits per second data, requests queued data, current connections data, connection attempts data, or disk utilization data (see col.7, lines 15-32: "extent of memory allocation... communications traffic").

One would be motivated to do so because Maccabee teaches that the sensor generates "any extra data necessary to uniquely identify the event" (see col.7, lines 54-57).

Response to Arguments

6. Applicant's arguments presented in the Appeal Brief filed on August 8, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Claims 1-39 have been rejected and remain pending.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

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Michael Won

A handwritten signature in black ink, appearing to read "Michael Won", with a stylized flourish at the end.

October 13, 2006